

UNITED STATES BANKRUPTCY COURT
DISTRICT OF

In re:

BIRCHMIER, TRACY KIRK
BIRCHMIER, ELIZABETH ANN

Debtor(s)

§
§
§
§
§

Case No. 10-37542 A

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under chapter of the United States Bankruptcy Code was filed on . The undersigned trustee was appointed on .
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.
4. The trustee realized gross receipts of \$

Funds were disbursed in the following amounts:

Payments made under an interim
disbursement
Administrative expenses
Bank service fees
Other payments to creditors
Non-estate funds paid to 3rd Parties
Exemptions paid to the debtor
Other payments to the debtor

Leaving a balance on hand of¹ \$

The remaining funds are available for distribution.

¹ The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was _____ and the deadline for filing governmental claims was _____. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$ _____. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$ _____ as interim compensation and now requests a sum of \$ _____², for a total compensation of \$ _____. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ _____, and now requests reimbursement for expenses of \$ _____², for total expenses of \$ _____.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: _____ By:/s/MICHAEL P. DACQUISTO
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

² If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
Case 10-37542 Filed 06/18/13 Doc 32

Page: 1
Exhibit A

Case No: 10-37542 A Judge: MICHAEL S. McMANUS
Case Name: BIRCHMIER, TRACY KIRK
BIRCHMIER, ELIZABETH ANN
For Period Ending: 04/12/13

Trustee Name: MICHAEL P. DACQUISTO
Date Filed (f) or Converted (c): 07/02/10 (f)
341(a) Meeting Date: 08/25/10
Claims Bar Date: 11/29/10

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. INSTALLMENT NOTE I am collecting the note payments, and trying to sell it. This is the only asset. Borrower paid it off.	7,000.00	7,000.00		25,468.04	FA
2. REAL PROPERTY Not worth administering.	190,000.00	0.00		0.00	FA
3. BANK ACCOUNTS 3 accounts. Debtor claimed exemption.	1,500.00	0.00		0.00	FA
4. HOUSEHOLD GOODS AND FURNISHINGS This is total of all B4 items listed by debtors. Debtor claimed exemption.	5,700.00	0.00		0.00	FA
5. WEARING APPAREL Debtor claimed exemption.	1,500.00	0.00		0.00	FA
6. FURS AND JEWELRY Debtor claimed exemption.	1,300.00	0.00		0.00	FA
7. FIREARMS/SPORTS/PHOTO/HOBBY EQUIPME This is both B8 items. Debtor claimed exemption.	1,200.00	0.00		0.00	FA
8. INSURANCE POLICIES - TERM LIFE WITH OSGLI Not worth administering.	0.00	0.00		0.00	FA
9. IRA/ERISA/KEOUGH/PENSION 401K WITH NATIONWIDE Not worth administering.	0.00	0.00		0.00	FA
10. IRA/ERISA/KEOUGH/PENSION Not worth administering. PERS	0.00	0.00		0.00	FA
11. VOID (u)	Unknown	0.00		0.00	FA
12. TAX REFUNDS/LIQUIDATED DEBTS OWED	0.00	0.00		0.00	FA

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
Case 10-37542 Filed 06/18/13 Doc 32 ASSET CASES

Page: 2
Exhibit A

Case No: 10-37542 A Judge: MICHAEL S. McMANUS
Case Name: BIRCHMIER, TRACY KIRK
BIRCHMIER, ELIZABETH ANN

Trustee Name: MICHAEL P. DACQUISTO
Date Filed (f) or Converted (c): 07/02/10 (f)
341(a) Meeting Date: 08/25/10
Claims Bar Date: 11/29/10

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Not worth administering.					
13. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2000 flat bed trailer Debtor claimed exemption.	500.00	0.00		0.00	FA
14. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2004 Yukon Debtor claimed exemption.	8,090.00	0.00		0.00	FA
15. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2006 Dodge Ram Debtor claimed exemption.	11,580.00	0.00		0.00	FA
16. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2006 Honda ATV Debtor claimed exemption.	1,455.00	0.00		0.00	FA
17. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2007 Honda m/c Debtor claimed exemption.	1,865.00	0.00		0.00	FA
18. AUTOMOBILE/TRUCK/TRAILERS-VEHICLES 2009 Yamaha m/c. Not worth administering.	3,350.00	0.00		0.00	FA
19. ANIMALS Debtor claimed exemption.	300.00	0.00		0.00	FA
20. Post-Petition Interest Deposits (u)	Unknown	0.00		0.18	FA
TOTALS (Excluding Unknown Values)					Gross Value of Remaining Assets \$0.00 (Total Dollar Amount in Column 6)
\$235,340.00	\$7,000.00	\$25,468.22			

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
Case 10-37542 Filed 06/18/13 Doc 32
ASSET CASES

Page: 3
Exhibit A

Case No: 10-37542 A Judge: MICHAEL S. McMANUS
Case Name: BIRCHMIER, TRACY KIRK
BIRCHMIER, ELIZABETH ANN

Trustee Name: MICHAEL P. DACQUISTO
Date Filed (f) or Converted (c): 07/02/10 (f)
341(a) Meeting Date: 08/25/10
Claims Bar Date: 11/29/10

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

April 28, 2011, 03:34 pm collecting note payments and trying to get early payoff. no luck yet.

April 13, 2012, 02:19 pm still collecting note payments, no luck yet selling note

April 12, 2013, 03:35 pm all money rec'd TFR to UST.

Initial Projected Date of Final Report (TFR): 07/02/12

Current Projected Date of Final Report (TFR): 07/01/13

FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 10-37542 -A
 Case Name: BIRCHMIER, TRACY KIRK
 BIRCHMIER, ELIZABETH ANN
 Taxpayer ID No: *****3970
 For Period Ending: 04/12/13

Trustee Name: MICHAEL P. DACQUISTO
 Bank Name: Union Bank
 Account Number / CD #: *****0192 Checking Account
 Blanket Bond (per case limit): \$ 5,000,000.00
 Separate Bond (if applicable):

Page: 1
Exhibit B

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
08/26/10	1	ELIZABETH BIRCHMIER PO BOX 932 SUSANVILLE CA 96114	BALANCE FORWARD PROMISSORY NOTE	1121-000	464.63		0.00 464.63
09/28/10	1	ELIZABETH BIRCHMIER	PROMISSORY NOTE	1121-000	464.23		928.86
10/26/10	1	ELIZABETH BIRCHMIER	PROMISSORY NOTE	1121-000	464.00		1,392.86
10/29/10	20	Union Bank	Interest Rate 0.050	1270-000	0.03		1,392.89
11/30/10	20	Union Bank	Interest Rate 0.050	1270-000	0.03		1,392.92
12/01/10	1	DEREK DJEU 230 DOLORES ST NO 208 SAN FRANCISCO, CA 94103	PROMISSORY NOTE	1121-000	464.43		1,857.35
12/01/10	1	DEREK DJEU 230 DOLORES ST NO 208 SAN FRANCISCO, CA 94103	PROMISSORY NOTE	1121-000	464.43		2,321.78
12/31/10	20	Union Bank	Interest Rate 0.050	1270-000	0.09		2,321.87
01/19/11	1	DEREK DJEU 230 DOLORES ST. NO. 208 SAN FRANCISCO, CA 94103	PROMISSORY NOTE	1121-000	928.86		3,250.73
01/31/11	20	Union Bank	Interest Rate 0.000	1270-000	0.03		3,250.76
02/24/11		International Sureties One Shell Square 701 Poydras St., Suite 420 New Orleans, LA 70139	TRUSTEE BOND	2300-000		6.25	3,244.51
03/14/11	1	DEREK DJEU	PROMISSORY NOTE	1121-000	928.86		4,173.37
05/10/11	1	DEREK DJEU	PROMISSORY NOTE	1121-000	928.86		5,102.23
08/02/11	1	DEREK DJEU	PROMISSORY NOTE	1121-000	928.86		6,031.09
09/26/11		Union Bank	BANK SERVICE FEE	2600-000		12.29	6,018.80
10/25/11		Union Bank	BANK SERVICE FEE	2600-000		14.75	6,004.05
11/03/11	1	DEREK DJEU	PROMISSORY NOTE	1121-000	928.86		6,932.91

Page Subtotals

6,966.20

33.29

Ver: 17.01

FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 10-37542 -A
 Case Name: BIRCHMIER, TRACY KIRK
 BIRCHMIER, ELIZABETH ANN
 Taxpayer ID No: *****3970
 For Period Ending: 04/12/13

Trustee Name: MICHAEL P. DACQUISTO
 Bank Name: Union Bank
 Account Number / CD #: *****0192 Checking Account
 Blanket Bond (per case limit): \$ 5,000,000.00
 Separate Bond (if applicable):

Page: 2
Exhibit B

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
11/03/11	1	DEREK DJEU	PROMISSORY NOTE	1121-000	928.86		7,861.77
11/25/11		Union Bank	BANK SERVICE FEE	2600-000		14.75	7,847.02
12/27/11		Union Bank	BANK SERVICE FEE	2600-000		17.21	7,829.81
01/20/12	1	Derek Djeu for BIRCHMIER	PROMISSORY NOTE	1121-000	464.43		8,294.24
01/20/12	1	Derek Djeu for BIRCHNER	PROMISSORY NOTE	1121-000	464.43		8,758.67
01/25/12		Union Bank	BANK SERVICE FEE	2600-000		17.21	8,741.46
02/16/12		International Sureties One Shell Square 701 Poydras St., Suite 420 New Orleans, LA 70139	TRUSTEE BOND	2300-000		8.72	8,732.74
02/27/12		Union Bank	BANK SERVICE FEE	2600-000		19.67	8,713.07
03/09/12	1	Derek Djeu	PROMISSORY NOTE	1121-000	928.86		9,641.93
03/26/12		Union Bank	BANK SERVICE FEE	2600-000		19.67	9,622.26
04/25/12		Union Bank	BANK SERVICE FEE	2600-000		22.12	9,600.14
05/11/12	1	Derek Djeu	PROMISSORY NOTE	1121-000	928.86		10,529.00
05/25/12		Union Bank	BANK SERVICE FEE	2600-000		22.12	10,506.88
06/25/12		Union Bank	BANK SERVICE FEE	2600-000		24.58	10,482.30
07/25/12		Union Bank	BANK SERVICE FEE	2600-000		24.58	10,457.72
08/17/12	1	Derek Djeu for Birchmier	PROMISSORY NOTE	1121-000	928.86		11,386.58
08/27/12		Union Bank	BANK SERVICE FEE	2600-000		24.58	11,362.00
09/25/12		Union Bank	BANK SERVICE FEE	2600-000		24.58	11,337.42
10/25/12		Union Bank	BANK SERVICE FEE	2600-000		27.04	11,310.38
11/05/12	1	Derek Djeu	PROMISSORY NOTE	1121-000	928.86		12,239.24
11/05/12	1	Derek Djeu	PROMISSORY NOTE	1121-000	928.86		13,168.10
11/26/12		Union Bank	BANK SERVICE FEE	2600-000		15.00	13,153.10
12/26/12		Union Bank	BANK SERVICE FEE	2600-000		15.81	13,137.29

Page Subtotals

6,502.02

297.64

Ver: 17.01

FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

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 Case Name: BIRCHMIER, TRACY KIRK
 BIRCHMIER, ELIZABETH ANN
 Taxpayer ID No: *****3970
 For Period Ending: 04/12/13

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1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
01/16/13		International Sureties One Shell Square 701 Poydras St., Suite 420 New Orleans, LA 70139	bond premium	2300-000		24.76	13,112.53
01/25/13		Union Bank	BANK SERVICE FEE	2600-000		16.71	13,095.82
02/19/13	1	Birchmier	PROMISSORY NOTE	1121-000	12,000.00		25,095.82
02/25/13		Union Bank	BANK SERVICE FEE	2600-000		16.71	25,079.11
03/25/13		Union Bank	BANK SERVICE FEE	2600-000		22.75	25,056.36

COLUMN TOTALS	25,468.22	411.86	25,056.36
Less: Bank Transfers/CD's	0.00	0.00	
Subtotal	25,468.22	411.86	
Less: Payments to Debtors		0.00	
Net	25,468.22	411.86	
		NET	ACCOUNT
TOTAL - ALL ACCOUNTS	NET DEPOSITS	DISBURSEMENTS	BALANCE
Checking Account - *****0192	25,468.22	411.86	25,056.36
	-----	-----	-----
	25,468.22	411.86	25,056.36
	=====	=====	=====
(Excludes Account Transfers)	(Excludes Payments To Debtors)	Total Funds On Hand	

Page Subtotals 12,000.00 80.93

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 10-37542 A

Case Name: BIRCHMIER, TRACY KIRK
BIRCHMIER, ELIZABETH ANN
Trustee Name: MICHAEL P. DACQUISTO

Balance on hand	\$
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Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
000008A	The Golden 1 Credit Union	\$	\$	\$	\$

Total to be paid to secured creditors \$ _____

Remaining Balance \$ _____

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee Fees: MICHAEL P. DACQUISTO	\$	\$	\$
Trustee Expenses: MICHAEL P. DACQUISTO	\$	\$	\$

Total to be paid for chapter 7 administrative expenses \$ _____

Remaining Balance \$ _____

Applications for prior chapter fees and administrative expenses have been filed as follows:

NONE

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

NONE

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
000001	American InfoSource LP	\$	\$	\$
000003	Discover Bank	\$	\$	\$
000004	Lassen County Recovery Reimburssem	\$	\$	\$
000005	American InfoSource LP	\$	\$	\$
000006	TLC Transportation	\$	\$	\$
000008B	The Golden 1 Credit Union	\$	\$	\$
000010	Capital One, N.A	\$	\$	\$
000011	Midland Funding LLC	\$	\$	\$

Total to be paid to timely general unsecured creditors \$ _____

Remaining Balance \$ _____

Tardily filed claims of general (unsecured) creditors totaling \$ have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be percent.

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be percent.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE